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[Home](#) > San Francisco Division Notice - Chapter 13 Motions to Dismiss

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

NOTICE

Chapter 13 Motions to Dismiss

The San Francisco Judges issue the following notice regarding the practices they will employ in resolving pre-confirmation motions to dismiss filed by the Chapter 13 Trustee.

1. Such motions are in substance motions to dismiss for failure to prosecute the case to confirmation without undue delay. The Trustee's motion will list the deficiencies in the plan or schedules, or the failure to provide other information that Trustee asserts as the basis for the motion.

2. To oppose the motion, the debtor must do all of the following:

(a) File written opposition not later than the later of

(i) 14 days after service of the motion; or

(ii) 14 days before the hearing on the motion.

(b) In the opposition, address separately each deficiency asserted by the Trustee in the motion; and

(i) Cure such deficiency as of the date of the opposition, and state in the opposition that such deficiency has already been cured; or

(ii) Explain in detail why the deficiency has not been cured as of the date of the opposition, and state when such deficiency will be cured.

(c) Where the case has been pending for a substantial period of time, the court will presume that there is undue delay unless the debtor provides an explanation that is both detailed and persuasive as to why the deficiency was not cured by the date opposition is due.

(d) Failure to file a timely opposition to a motion to dismiss will normally result in the matter being dropped from calendar and the case being dismissed without further notice to the debtor.

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